THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18088 of 2005

Dt:17.08.2005

Between:

K.K.Rao

.. Petitioner

and

Government of A.P. and others

.. Respondents

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18088 of 2005

ORDER:

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This writ petition is filed to declare the action of the respondents in issuing the notice dated 03.08.2005, wherein the second respondent directed the petitioner to regularize his house vide G.O.Ms.No.455, Revenue (UC-II) Department, dated 29.07.2002 on payment of regularization fee and further directed him to pay the enhanced rates of 100% with effect from16-08-2005, as illegal and arbitrary.

The case of the petitioner is that he purchased a plot bearing No.133, admeasuring

300 Sq.yards in Sy.Nos.148,158,159,160 and 161 of Kukatpally village, Balanagar Mandal, Ranga Reddy District on 27-04-1987 under a registered document. Thereafter, he constructed a house after obtaining permission from the competent authority and has been in possession and enjoyment of the same by paying the property tax regularly. It is further stated that the petitioner was informed by notice dated 03.08.2005 that an extent of Ac.40.27 guntas in the above survey numbers has been declared as surplus land in terms of G.O.Ms.No.251 Revenue (UC-II) Department, dated 03.03.2005 and requested the petitioner to regularize his plot/house in terms of G.O.Ms.No.455, Revenue (UC-II) Department dated 29.07.2002, as the Government has enhanced the rates by 100% with effect from 16.08.2005 vide G.O.Ms.No.1376 Revenue (UC-I) Department dated 14.07.2005.

Aggrieved of the said notice, the petitioner filed this writ petition, *inter alia* contending that he is a *bona fide* purchaser of the land and, therefore, the issuance of the said notice is illegal and is liable to be set aside.

What is impugned in this writ petition is a notice issued by the respondents directing the petitioner to get regularize his plot/house purchased under the Government Orders issued from time to time. The Government declared the plot purchased by the petitioner as surplus land. Therefore, if the petitioner is aggrieved of the same, he should have approached the authority and explained to them as to how the said notice is capricious, instead of invoking extraordinary jurisdiction of this Court under Article 226 of the Constitution. Having regard to these facts, I deem it appropriate to direct the petitioner to submit his explanation within a period of two weeks from the date of receipt of a copy of this order. In the event the petitioner files such an explanation, the respondents are directed to pass appropriate orders thereon, in accordance with law, within a period of six weeks thereafter. Till such time, the respondents are directed not to take coercive steps.

With these directions, the writ petition stands disposed of. There shall be no order as to costs.

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17.08.2005

Note: Issue C.C. in three days

(B/o)

kdl